

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley (1944-2013) Jodi Westbrook Flowers, <i>Co-Chair</i> Donald A. Migliori, <i>Co-Chair</i> Robert T. Haeefe, <i>Liaison Counsel</i> MOTLEY RICE LLC	Sean Carter, <i>Co-Chair</i> Stephen A. Cozen, <i>Co-Chair</i> J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

VIA ECF

October 4, 2022

The Honorable Sarah Netburn, U.S. Magistrate Judge
United States District Court for the S.D.N.Y.
Thurgood Marshall U.S. Courthouse, Room 430
40 Foley Square
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

In accordance with Your Honor's directive in the Court's September 21, 2022, Opinion and Order at ECF No. 8544, the undersigned leadership members of the Plaintiffs' Executive Committees (PECs) write to confirm that Kreindler & Kreindler is no longer involved in any of the PEC's operations. *See* ECF No. 8544 at 63. The undersigned have written to the remaining individuals listed as members of the PECs in Case Management Order # 3, ECF No. 248 (CMO3), to confirm that we may convey this representation.

As the Court is aware, the PECs are charged with responsibility for "conduct[ing] all pre-trial proceedings involving common legal and factual issues, whether relating to liability or damages, on behalf of all Plaintiffs." CMO3 at ¶10. To fulfill those obligations, the PECs are (among other things) responsible for "prepar[ing], serv[ing], and fil[ing] papers and argu[ing] motions," "consult[ing] and hir[ing] consultants and witnesses," and "otherwise coordinat[ing] the work of plaintiffs' counsel and perform[ing] such other functions as necessary and appropriate to complete pretrial proceedings in the Consolidated Action and/or as may be authorized by the Court." *Id.* at ¶ 11.

The undersigned leadership of the PECs have been engaged in fulfilling these obligations since the issuance of CMO #3 in 2004 and want to take this opportunity to affirm to the Court their unwavering commitment to ensuring that the PECs fulfill the obligations and responsibilities of the leadership, for the benefit of all 9/11 litigants, as this uniquely important litigation continues to progress. The leadership of the PECs do not believe any structural changes to the PECs are necessary to do so. Again, the leadership of the PECs has been playing a primary role in the direction of the

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MDL since its inception and are confident that the PECs have ample resources available to fulfill their obligations in this complex case pursuant to CMO #3 and the Manual for Complex Litigation 4th.¹

Finally, based on our understanding of Your Honor's Order and consistent with our obligations as leadership members of the PECs, we wrote to Kreindler & Kreindler on September 28, 2022, concerning logistical issues relating to implementation of the Court's order and will advise the Court if there are any issues that need the Court's attention in that regard.

Respectfully submitted,

MOTLEY RICE LLC

By: /s/ Jodi Westbrook Flowers
JODI WESTBROOK FLOWERS
DONALD A. MIGLIORI
ROBERT T. HAEFELE
MOTLEY RICE LLC
28 Bridgeside Boulevard
Mount Pleasant, SC 29464
Tel.: (843) 216-9163
Email: jflowers@motleyrice.com
Email: dmigliori@motleyrice.com
Email: rhaefeale@motleyrice.com
For Personal Injury and Death Claims PEC
For Plaintiffs' Executive Committees

COZEN O'CONNOR

By: /s/ Sean P. Carter
SEAN P. CARTER
STEPHEN A. COZEN
J. SCOTT TARBUTTON
COZEN O'CONNOR
One Liberty Place
1650 Market Street, Suite 2800
Philadelphia, Pennsylvania 19103
Tel.: (215) 665-2105
Email: scarter1@cozen.com
Email: scozen@cozen.com
Email: starbutton@cozen.com
For Commercial Claims PEC
For Plaintiffs' Executive Committees

cc: The Honorable George B. Daniels, via ECF
All Counsel of Record via ECF

¹ Although no changes to the PECs are necessitated by the removal of Kreindler & Kreindler attorneys from the PECs, at some point the leadership of the PECs may bring to the Court's attention certain housekeeping issues, relating to formalizing of the status of active contributors to the PECs' work who have assumed responsibility for the roles of members who have passed away. Any such modifications will not involve any structural changes to the PECs.